



FREDERICK COUNTY PLANNING COMMISSION

June 13, 2018

TITLE: Younger Nissan
(Auto Sales and Storage Lot)

FILE NUMBER: SP-17-07, AP#17494 (APFO#17495, FRO
#17496, SWM#17683)

REQUEST: **Site Development Plan Approval**
The Applicant is requesting Site Plan approval to establish an 'Automobile Sales and Service Center' and specifically to operate as an 'Automobile Sales Lot', on a 2.27-acre site zoned General Commercial (GC).

PROJECT INFORMATION:

ADDRESS/LOCATION: Eastern side of Grove Lane at its intersection with Grove Road near MD 355, south of Frederick.
TAX MAP/PARCEL: Tax Map 77, Parcel 45
COMP. PLAN: General Commercial (GC)
ZONING: General Commercial (GC)
PLANNING REGION: Frederick
WATER/SEWER: W-1/S-1

APPLICANT/REPRESENTATIVES:

APPLICANT: Younger Properties, LLC
OWNER: - same -
ENGINEER: Harris, Smariga and Associates, Inc
ARCHITECT: N/A
ATTORNEY: N/A

STAFF: Denis Superczynski, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1 – Site Plan
Exhibit 2 – Request for Approval of Alternate Landscape Plan (Modification) *pending receipt from applicant*; Request for Approval of Lighting Modification

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting Site Plan approval to establish an 'Automobile Sales and Service Center' and specifically to operate as an 'Automobile Sales Lot', on a 2.27-acre site zoned General Commercial (GC). The proposed use is being reviewed under the definition of "Automobile Sales Lot" under the heading of *Automobile and Related Services* per §1-19-5.310 (Use Table) of the Zoning Ordinance. Automobile sales and service center is a principal permitted use in the General Commercial (GC) Zoning District subject to site development plan approval.

The proposed development consists of two distinct areas for vehicle display (121 spaces) and vehicle inventory storage. There are no enclosed structures on the site and none are proposed in this application.

A single commercial vehicle entrance will be established with access onto Grove Road (a public road). This access point will serve the vehicle display area only. A secondary access drive will enter the vehicle display area from Grove Lane (a private road). A single access drive into the vehicle inventory storage lot will also gain access from Grove Lane.

Both lots will rely on employee access (vehicular and pedestrian) to the Younger Nissan site located on the western side of Grove Lane, immediately west of the area considered in this application.



Figure 1 - View of main facility on west side of Grove Lane (in foreground)

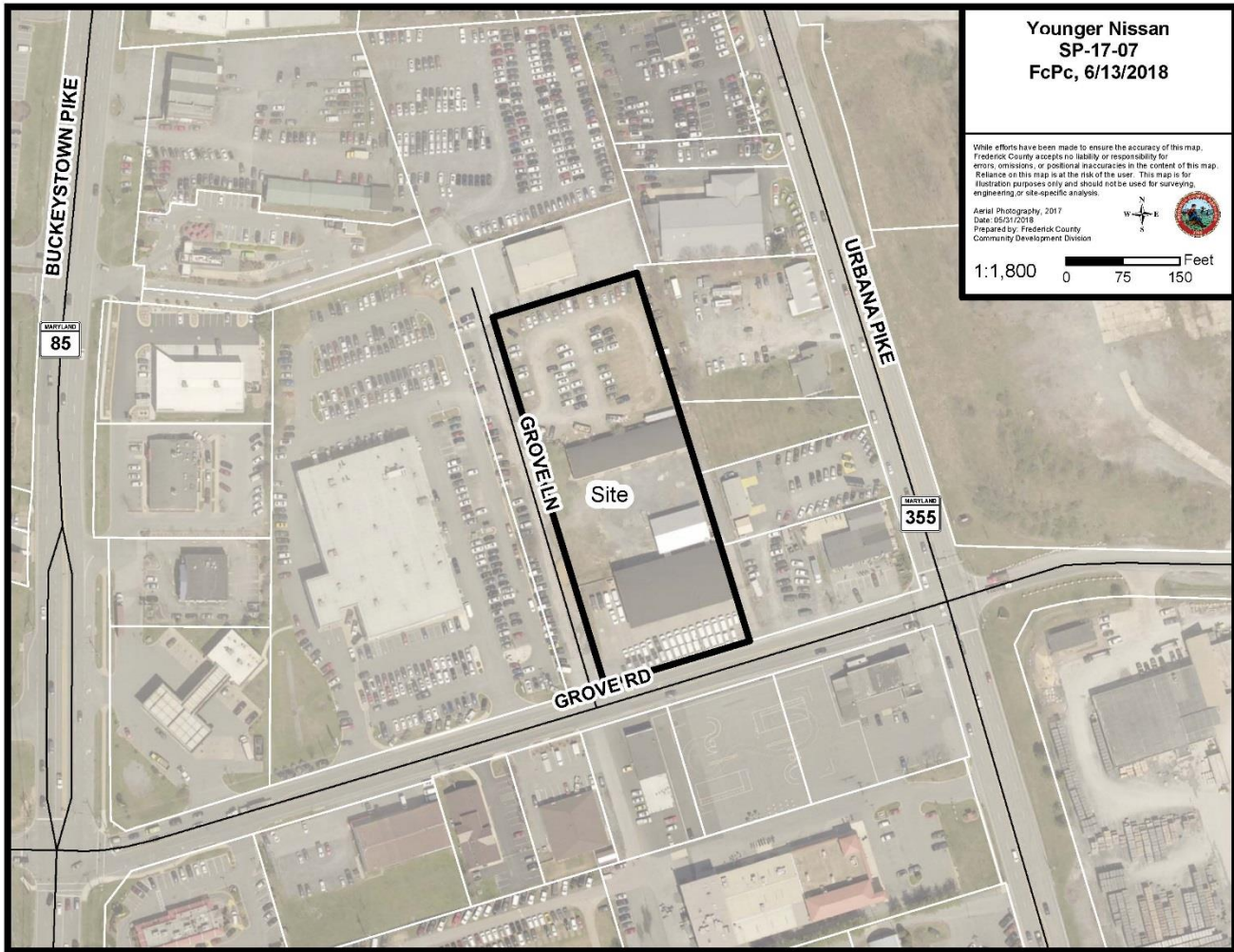


Figure 1: Site Vicinity Map – Aerial Image

BACKGROUND

Development History

The site is partially developed having been the site of the Maryland & Virginia Milk Producers Cooperative Association warehouse from 1942 until 2016. Both MVMPCA buildings were razed in 2017, however a concrete pad and some fencing remains in the center of the site.



Younger Nissan-Auto Sales Lot – Site Plan

June 13, 2018

Page 3 of 15

A site plan for the existing Younger Nissan facility on the adjacent parcel was approved in October 2004 and revised in September 2005. No site plan has been approved for the parcel that is the subject of this current application.

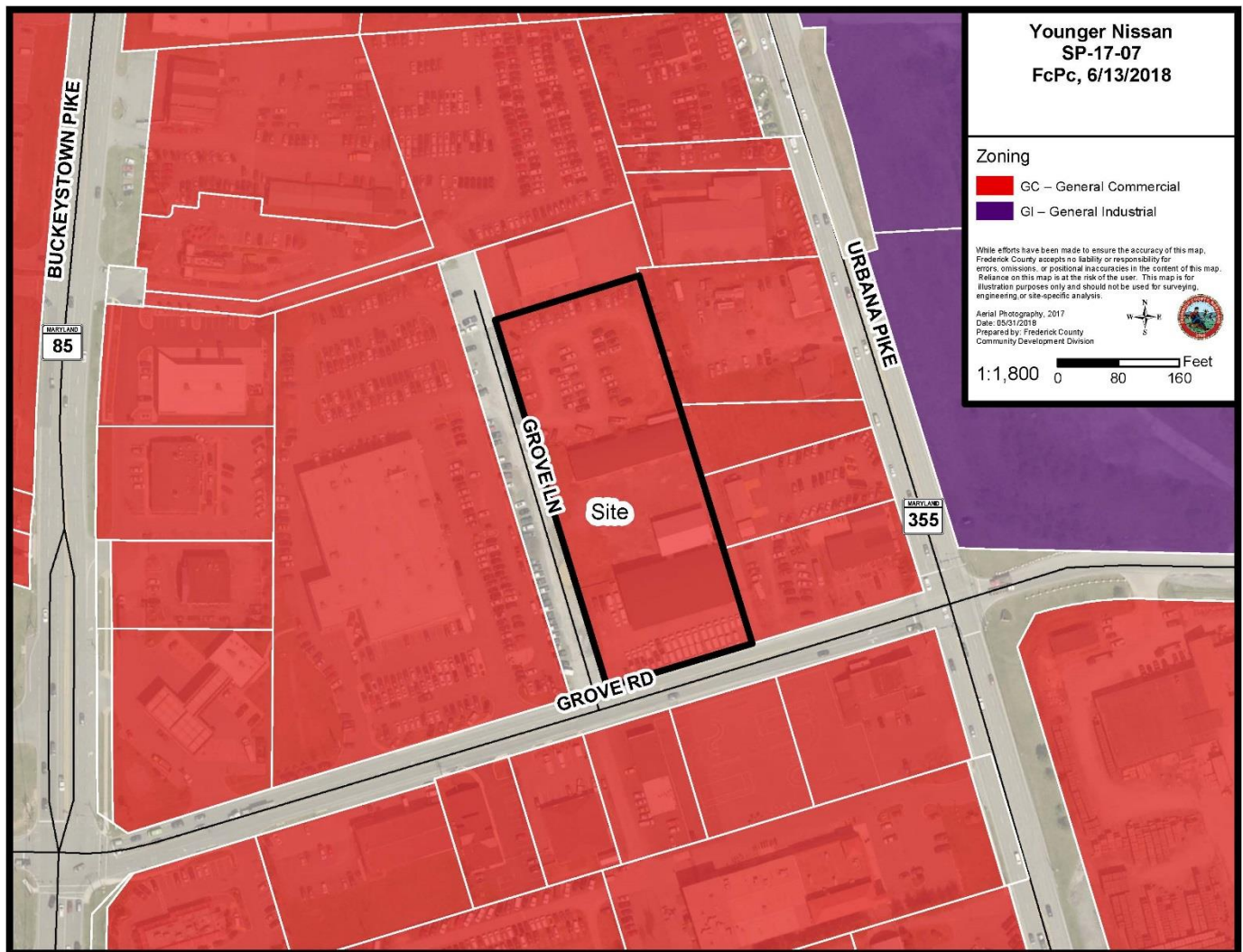


Figure 2: Site Vicinity Map – Zoning

Existing Site Characteristics

The proposed use would occupy a significant portion of the property, with the concrete pad remaining as a divider between the display and storage lots.. The site itself is flat, with some opportunistic vegetation establishing itself along property edges. The rear area of the parcel contains a partial vegetative screen which blocks some of the views into and out of the property toward the north and east.

Surrounding Land Uses: Land uses in the vicinity of this proposal include the following

West – The parcel along the western border of the subject site contains the current Younger Nissan sales and service facility. The private Grove Lane separates the two parcels. The MD 85 corridor is located approximately 500 feet west of the proposed automobile sales lot.

East – Several small commercial businesses occupy the parcels immediately east of the proposed Younger site. These businesses front on MD 355 (Urbana Pike).

North – Immediately north of the site, an automotive repair business occupies the adjacent parcel and shares access via Grove Lane.

South – Several small, and primarily automobile- or motorsport-related, businesses reside on the south side of the intervening Grove Road, a public street.



Figure 2 - View toward the south from Grove Lane looking across Grove Road

ANALYSIS

Summary of Development Standards Findings and Conclusions

The key issues associated with this site plan include:

- Association with the primary existing Younger Nissan sales and service facility
- Layout of the proposed sales lot and vehicle storage area
- Access via Grove Road/Grove Lane and internal circulation
- Vegetative screening of the site



Figure 3 - View of the immediate vicinity – Proposed Younger Nissan sales and storage lot (view looking west). Structures on the site have been demolished. The green line indicates the private lanes currently providing practical access to the site.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.

Findings/Conclusions

1. **Dimensional Requirements/Bulk Standards §1-19-6.100:** The proposed Site Development Plan adheres to the lot dimensions required for an *Automobile and related service* use in the General Commercial (GC) Zoning District as established in Section 1-19-6.100.

The proposed setbacks for the facility are the following:

	<u>Required</u>	<u>Proposed</u>
Minimum Lot Area	12,000 sf	2.27 ac. (98,968 sf)
Minimum Lot Width	100'	220+'
Front Yard	25'	<i>No structure on plan</i>
Side Yard	8'	<i>No structure on plan</i>
Rear Yard	25'	<i>No structure on plan</i>
Max Building Height	60'	<i>No structure on plan</i>

The location of the proposed automobile sales and storage areas complies with the ordinance. The site also meets the minimum requirements for lot area and lot width. A 21-ft wide landscape island is proposed for the Grove Road frontage, separating the automobile display area from the public road. The car storage lot includes a 35-ft wide SWM area between storage area and Grove Lane. No structures are planned for the site.

2. **Signage §1-19-6.300:** Per the zoning ordinance the maximum signage allowed for business identification in the GC zoning district is calculated based upon the following formula:

$10 \times \sqrt{\text{façade of building facing the public street 'f' (in linear feet)}} = \text{Maximum permissible signage (in square feet)}$

For this Site Plan proposal, there is no proposed structure from which to calculate the factor, 'f'.

No specific sign has been proposed as part of the plan set. If the Applicant chooses to pursue the approval of a sign for this site, the Zoning Administrator will provide guidance as to the basis for such an approval, and any necessary procedural steps to be undertaken by the Applicant.

3. **Landscaping & Screening §1-19-6.400:** In addition to retaining most of the existing vegetation located along the property boundaries at the rear of the Site, the Applicant has provided landscape plantings along the northern, eastern, and southern edges of the vehicle storage area in order to screen the view of open business activity areas from the adjacent parcels to the north, west, and east. The Applicant is providing some small planting areas as a means of defining sales lot bays. The storage lot at the rear of the site is utilizing a mix of existing trees and shrubs along with new plantings of 4-season trees and shrubs to further establish a visual screen of this utilitarian space from properties on the north, east, and south. The area along Grove Lane that borders the vehicle storage lot will contain stormwater infrastructure and will not include a vegetative screen.

Six (6) street trees are required along the 220 ft. frontage of the parcel (measured along Grove Road). The Applicant has proposed the planting of four (4) Hawthorn trees along the public road frontage. The Applicant has submitted a Modification Request seeking approval of an alternate landscaping plan by the Planning Commission (see Exhibit 3). Staff finds the planting plan, along with the existing maintained vegetation, sufficient to meet the intent of the Zoning Ordinance, if the Applicant can locate an alternate planting location for an additional two (2) street trees.



Figure 4 - View toward the northeast showing the back area of the Site (proposed storage lot). Existing trees and shrubs along the property boundaries are evident in this image. The Applicant proposes additional plantings to create a more robust screen.

4. **Lighting §1-19-6.500:** The Applicant proposes the installation of 24 pole-mounted fixtures on 18 poles located throughout the Site and mounted at 18 feet above finished grade. A photometric illustration on Sheet 3 of the Site Plan demonstrates that illumination of more than 0.5 foot-candles will exceed the property boundaries at a few locations primarily along the southwestern and southeastern boundaries. The light spillage is minimal – at no point exceeding 1.0 foot-candles off-site - and occurs within an area zoned GC and dominated by commercial uses. Staff recommends approval of the lighting modification submitted by the Applicant.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation & Pedestrian Circulation and Safety §1-19-6.220 (G):** Access to the Site is currently provided from points along Grove Lane, a private road minimally maintained a private owner. The conditions on this lane present a generally unkind environment for most passenger vehicles or pedestrians. The plan calls for two (2) points of access into the Site from Grove Lane including one 30' wide driveway access to the storage lot, and one 24' driveway access into the

sales lot. A third access drive (30' wide) is proposed onto Grove Road at the southeastern corner of the parcel. A pedestrian crossing point to facilitate the movement of customers or staff between the main Younger facility and this parcel, had been illustrated in previous iterations of the site plan at a point approximately 220 feet from Grove Road. The Applicant has struggled to make contact with the private owner of Grove Lane in order to both demonstrate the lawful ability to improve or maintain the roadway, as well as to demonstrate lawful use of the roadway for the purpose of accessing Parcel 45. While it is likely that legal access to Grove Lane can eventually be demonstrated by the Applicant through submittal of a private agreement or other such device, the practical access to the site from Grove Road is direct and evident in this application. It is recommended by Staff that the Planning Commission provide an opportunity to the Applicant, prior to final signature approval, to demonstrate lawful access to Parcel 45 from Grove Lane and identify improvements necessary to provide a regular and maintainable surface for vehicular use; alternatively, the Applicant may be permitted the choice of providing sole access to Parcel 45 via a driveway constructed onto Grove Road, if Grove Lane remains inaccessible.

Pedestrian access remains a concern as well, since the proposed sales lot would require physical access by customers – presumably on foot – who would need to return to the main facility to complete a sale. The current proposal directs pedestrians to a crossing point at the intersection of Grove Lane and Grove Road. While this pedestrian route provides a safe pathway for walkers, it ignores the more likely scenario in which pedestrians take the more expedient path between the main facility and this proposed sales lot. Staff remains certain that the proposed pedestrian route will be less attractive to visitors who will instead choose to cross the deteriorating Grove Lane at a point dozens or hundreds of feet north of Grove Road. Staff recommends approval of the proposed improved pedestrian crossing near Grove Road, with the condition that the sidewalk construction be continued on the east side of the drive (to include an appropriately designed and demarcated pedestrian crosswalk), and that the Applicant and Staff coordinate the location and improvement of a more practical pedestrian crossing further north on Grove Lane to accommodate the more likely pedestrian movement between the Younger Nissan facilities.



Figure 5 - View of Grove Lane conditions (view north). Proposed sales lot to the right in this image.



Figure 6 - Grove Lane conditions (view north) near a likely pedestrian crossing point leading to the main facility.

2. **Connectivity §1-19-6.220 (F):** Other than conventional vehicular access, no specific connectivity requirements are relevant to the development of this auto-oriented commercial business at this location, other than those discussed as part of the Grove Lane status. However, nothing in this Site Plan application precludes a connection to the adjacent GC-zoned land to the north or east of the Site.
3. **Public Transit:** This Site is currently served by Transit's #20 Francis Scott Key Mall Connector route which uses Grove Road, as well as the #20 Mall-to-Mall Connector that is a short walk from the site, both operating Monday through Saturday. The recently re-routed #85 Shuttle, operating morning and afternoon rush hours (M-F) is also a short walk away.
4. **Vehicle Parking §1-19-6.220:** Parking standards are established for *Automobile sales and service garages* in the Zoning Ordinance with the requirements as follows:

Parking spaces required:

2 spaces per service bay, plus 1.5 spaces per employee

No parking requirements are listed for an automobile sales or storage lot that does not contain a physical structure. The Applicant anticipates that customer parking will be provided on the adjacent Younger Nissan site where sales transactions would be conducted for vehicles displayed on this proposed Site. Staff concurs with the Applicant. The Applicant has previously submitted a

modification request seeking to provide parking on the adjacent Younger Nissan site. Staff has determined that no parking spaces are required with this application and thus the Planning Commission does not need to approve this modification.

5. Loading §1-19-6.210.B: For commercial uses between 1,000 - 5,000 square feet (total building net floor area), the Zoning Ordinance requires 1 small loading space. No building or structure is proposed for the subject site and thus no loading space is required.

6. Bicycle Parking §1-19-6.220 (H): In accordance with Z.O. § 1-19-6.220, no bike racks are required as part of this site development plan.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. Public Water and Sewer: The site is classified as W-1, with existing service for public water in the Frederick County Water and Sewer Plan. The site is classified as S-1, with existing public sewer service to the site.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. Topography: The site is generally flat and is in a post-development condition.

2. Vegetation: As noted previously with regard to landscaping requirements, the site contains some opportunistic vegetation that has overtaken some areas of the parcel due to inactivity and minimal maintenance in previous years. Significant existing vegetation along the northern and eastern property boundaries will serve as the basis for enhanced vegetative screening to be installed by the Applicant.

3. Sensitive Resources: No constrained soils, floodplains, or wetlands are present on the Site.

4. Natural Hazards: No FEMA floodplain is identified on the Site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. Proposed Common Area: The Site is a commercial place of business used for automobile sales and storage. Use of the site will be typically limited to employees and customers of this business. There are no common areas proposed or required.

Other Applicable Regulations

Moderately Priced Dwelling Units – Chapter 1-6A: The proposed use is non-residential; therefore, MPDUs are not required.

Stormwater Management – Chapter 1-15.2: A Concept Stormwater Plan has been submitted and is Conditionally Approved for this Application.

APFO – Chapter 1-20:

1. **Schools.** No new residential uses are proposed for this Site.
2. **Water/Sewer.** Public water and sewer utilities would be utilized for any future structures erected on the Site. No structures are proposed in this application.
3. **Roads.** The proposed site is expected to generate less than 6 additional trips relative to existing approved development and is therefore exempt from further APFO review per §1-20-30(A) and 1-20-12(H).

Forest Resource – Chapter 1-21:

The Combined Preliminary/Final Forest Conservation Plan has been conditionally approved. The Applicant must submit a transfer of Forest Banking Credits in the amount of 0.34 acres of NEW forest credit OR 0.68 acres of EXISTING forest credit prior to applying for grading permits or building permits, whichever comes first.

Historic Preservation – Chapter 1-23: There are no historic resources – other than those previously razed - affected by the proposed activity. The Applicant worked with Staff to provide an opportunity to document the structures prior to demolition.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
Public Works Development Review (PWDR):	Conditional Approval
Development Review Planning:	Conditional Approval
DUSWM:	Approval
State Highway Administration (SHA):	Waived
Street Name Review	Approved
Health Dept.	Approval
Office of Life Safety	Approved
Traffic Engineering	Approval
APFO	Approval
FRO	Approval

RECOMMENDATION

Staff has no objection to conditional approval of the **Younger Nissan (Auto Sales and Storage Lot)** Site Development Plan. If the Planning Commission conditionally approves the site development plan, the

plan is valid for a period of three (3) years from the date of Planning Commission approval (valid through **June 13, 2021**).

Based upon the findings, conclusions, and modifications as presented in the staff report, Staff finds that the application meets or will meet all applicable Zoning, APFO, and FRO requirements once the following modifications are granted and conditions met:

Planning Commission approval of the following modification requests from the Applicant:

1. Modification of lighting standards to permit minor light spillage beyond the property boundaries at three locations on the site as indicated on the photometric plan (Sheet 3).
2. Approval of an Alternate Planting Design (landscaping, buffering, screening, & street trees) to allow for an alternate planting location for two (2) of the six (6) required street trees - and to approve all other landscaping elements on the site as proposed. [See also Condition #6]

Staff-proposed conditions of approval:

1. Address all agency comments as the plan proceeds through to completion.
2. FRO mitigation must be provided prior to applying for grading permits or building permits, whichever is applied for first.
3. Prior to final signature approval, the Applicant shall demonstrate lawful access to Parcel 45 from Grove Lane and identify improvements necessary to provide a regular and maintainable surface for vehicular use; alternatively, the Applicant may choose to provide sole access to Parcel 45 via a driveway constructed onto Grove Road, if Grove Lane is inaccessible.
4. Approval of the proposed improved pedestrian crossing near Grove Road, with the condition that the sidewalk construction be continued on the east side of the drive (to include an appropriately designed and demarcated pedestrian crosswalk), and that the Applicant and Staff coordinate the location and improvement of a more practical pedestrian crossing further north on Grove Lane to accommodate the more likely pedestrian movement between the Younger Nissan facilities. If the Applicant is unable to gain lawful access to Grove Lane, the conditionally approved pedestrian route will suffice.
5. Any proposed signage to be installed at this Site shall be conceptually approved first – prior to the filing of a sign permit – under the guidance of the Zoning Administrator who will provide direction as to the basis for such an approval, and any necessary procedural steps to be undertaken by the Applicant.
6. Work with Staff to find an appropriate location for the two street trees that cannot be planted along Grove Road.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** SP-17-07, AP 17494 **with conditions and modifications** as listed in the staff report for the proposed **Younger Nissan** sales lot, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



Exhibit 1: Site Plan Rendering



125 S. CARROLL STREET
SUITE 100
FREDERICK
MARYLAND 21701

P. 301.662.4488
F. 301.662.4906
www.harrissmariga.com

May 21, 2018

Denis Superczynski
Frederick County Development Review
30 N. Market Street
Frederick, MD 21701

RE: Younger Nissan Preowned Parking and Lighting Modification
Project Number 17494
HSA Job No. 7102-0-FEAS

Dear Denis:

We request Planning Commission modifications for the following items relative to this site plan:

1-19-6.220(4) Parking Space Modification

Per Section 1-19-6.220(4) for uses not listed in the table, parking requirements shall be determined by the Planning Commission or their authorized representatives.

This site is owned and operated by the Nissan Dealership across Grove Lane. This site will simply function as additional inventory space, no buildings are proposed on this site. We propose that this site utilize the existing parking spaces at the existing 'mother' site across Grove Lane. The existing Nissan Dealership currently has 30 customer parking spaces and 33 employee spaces and we believe that these existing spaces will be sufficient for serving this additional inventory space. No additional employees are proposed as part of this additional inventory area. A sidewalk is proposed along Grove Road to facilitate pedestrian access to the site

1-19-6.500(D)-Lighting Modification

Per Section 1-19-6.500(D) lighting shall not exceed .50 foot-candles as measured from the property line. As the site is, and is surrounded by, commercial development we are requesting Planning Commission approval for the slight spillover onto adjacent properties.

Pole mounted lighting has been provided throughout the site in order to illuminate the vehicle inventory and car storage lot for security purposes. These lights are shielded and the photometric data does not take into account vegetation that will be planted on site. In the few locations that the photometric data exceeds .5 footcandles at the property line the footcandles quickly drop, spillage is within compliance no more than 5' from the property line where spillage occurs. This area is surrounded by commercial development that is vacant in the evenings so lighting should not disturb neighbors, proposed lighting will not create glare onto adjacent roadways

Thank you for your consideration of these requests.

Sincerely,

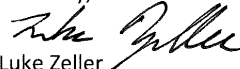

Luke Zeller
Designer

Exhibit #2: Request for Approvals of Alternate Landscaping Plan and Lighting Modification

Younger Nissan-Auto Sales Lot – Site Plan

June 13, 2018
Page 15 of 15